

EXHIBIT B



06/09/2022

CT Log Number 541722414

Service of Process Transmittal Summary

TO: Claire K. Battle
 CNH Industrial America LLC
 6900 VETERANS BLVD
 BURR RIDGE, IL 60527-5640

RE: Process Served in Texas

FOR: CNH Industrial America LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: IVAN GARCIA // To: CNH Industrial America LLC

DOCUMENT(S) SERVED: Citation, Return, Petition

COURT/AGENCY: EL PASO COUNTY DISTRICT COURT, TX
 Case # 2020DCV2279

NATURE OF ACTION: Product Liability Litigation - Personal Injury - Case Front-end loader, type 821F, Serial number NCF219250

PROCESS SERVED ON: C T Corporation System, Dallas, TX

DATE/METHOD OF SERVICE: By Traceable Mail on 06/09/2022 postmarked: "Illegible"

JURISDICTION SERVED: Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition (Document(s) may contain additional answer dates)

ATTORNEY(S)/SENDER(S): ORLANDO MONDRAGON
 1028 E. Rio Grande Ave.
 EL PASO, TX 79902
 915-566-8181

ACTION ITEMS: CT has retained the current log, Retain Date: 06/10/2022, Expected Purge Date: 06/15/2022

Image SOP

Email Notification, Rachel Figgins rachel.figgins@cnhind.com

Email Notification, Sandra MacFarlane Sandra.macfarlane@cnhind.com

Email Notification, Claire K. Battle claire.battle@cnhind.com

REGISTERED AGENT CONTACT: C T Corporation System
 1999 Bryan Street
 Suite 900
 Dallas, TX 75201
 877-564-7529
 MajorAccountTeam2@wolterskluwer.com



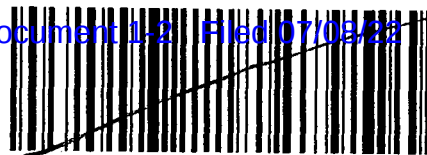
CT Corporation
Service of Process Notification

06/09/2022

CT Log Number 541722414

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

COMPLETE CIVIL PROCESS
12380 EDGEMERE SUITE 102
PMB116
EL PASO TEXAS 79938



7018 2290 0002 0442 4124

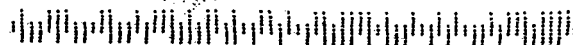
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R2305H128019

CNH INDUSTRIAL AMERICA LLC
CT CORPORATION SYSTEM AT
1999 BRYAN ST, STE. 90-0,
DALLAS, TX 75201

7520184284 0050



THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

TO: CNH Industrial America LLC, which may be served with process by serving its registered agent, CT Corporation System at 1999 Bryan St., Ste. 90-0, Dallas, TX 75201.

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **384th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 16th day of July, 2020, by Attorney at Law, ORLANDO MONDRAGON, 1028 RIO GRANDE, EL PASO, TX 79902 in this case numbered **2020DCV2279** on the docket of said court, and styled:

**Ivan Garcia
VS
CNH Industrial America LLC**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 23rd day of May, 2022.

Attest: NORMA FAVELA BARCELEAU, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA FAVELA BARCELEAU
District Clerk
Enrique Moreno County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901



ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

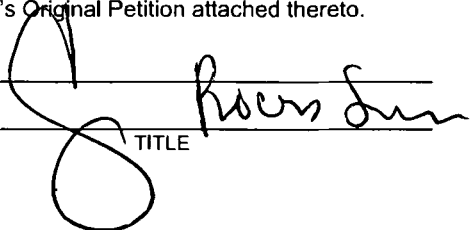
COMPLETE CIVIL PROCESS
12380 EDGEWATER BLVD STE 102 PMB 116

*NAME OF PREPARER	TITLE
ADDRESS	
CITY	STATE ZIP

By , Deputy
Clarisa Aguirre

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 23 day of May, 2022, at 5:00 PM mailed to CNH Industrial America LLC
CT Corporation System
Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the Plaintiff's Original Petition attached thereto.


TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____

Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this ____ day
of _____, _____.

Notary Public, State of _____

My commission expires: _____

NO. _____

IVAN GARCIA
Plaintiff,

V.

CNH INDUSTRIAL AMERICA LLC
Defendant.

§ **IN THE DISTRICT COURT**
§
§
§ _____ **JUDICIAL DISTRICT**
§
§
§ **OF EL PASO COUNTY, TEXAS**

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES IVAN GARCIA, hereinafter called Plaintiff, complaining of and about ,
hereinafter called Defendant, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, IVAN GARCIA, is an INDIVIDUAL brings this action.
3. Defendant CNH INDUSTRIAL AMERICA LLC, may be served with process by serving its registered agent, C T CORPORATION SYSTEM, at 1999 Bryan St., Ste. 90-0 Dallas, TX 75201. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.
6. Plaintiff seeks:
 - a. monetary relief over \$1,000,000.
7. This court has jurisdiction over the parties because Defendant is a Texas resident.
8. Venue in El Paso County is proper in this cause under Section 15.002(a)(1) of the

Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

LIABILITY OF CNH INDUSTRIAL AMERICA LLC

9. While engaged in the manufacture and sale of the Case Front-end loader, type 821F, Serial number NCF219250, manufactured and sold a certain Case Front-end loader, type 821F, Serial number NCF219250 and other like products, to consumers within the stream of commerce. Intended and expected that the Case Front-end loader, type 821F, Serial number NCF219250, so introduced and passed on in the course of trade would ultimately reach a consumer or user in the condition in which it was originally sold.

10. Plaintiff, IVAN GARCIA, also alleges that the product in question, namely the Case Front-end loader, type 821F, Serial number NCF219250, was defective and unsafe for its intended purposes at the time it left the control of and at the time it was sold in that it failed in its design to prevent the operator from striking plaintiff. Due to the unsafe operation of, but not limited to, the loader did not have in operation a reverse signal alarm distinguishable from the surrounding noise level, the product was defectively designed and unreasonably dangerous in that it fails to alarm when in reverse gear.

11. Plaintiff therefore invokes the doctrine of strict liability. Further, in this connection, Plaintiff would show the court that the defect in design was a producing cause of the injuries and damages set forth below.

12. In addition, Plaintiff would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of in one or more of the following respects, or by combination thereof:

A. Failing to have a reverse signal alarm distinguishable from its surrounding noise level attached thereto for the purpose of alarming whenever the Case Front-end loader, type 821F, Serial number NCF219250 was in reverse gear.

B. Failing to have sound, efficient and sufficient reverse signal alarm level to support said Case Front-end loader, type 821F, Serial number NCF219250

C. Failure of the loader not having in operation a reverse signal alarm distinguishable from the surrounding noise level or other systems of said Case Front-end loader, type 821F, Serial number NCF219250.

D. Failing to inspect said Case Front-end loader, type 821F, Serial number NCF219250 and its attendant equipment

E. Failing to properly maintain said Case Front-end loader, type 821F, Serial number NCF219250 and its attendant equipment

F. Failing to properly warn Plaintiff about the condition of said Case Front-end loader, type 821F, Serial number NCF219250 and its attendant equipment

G. Negligently inviting, enticing, and/or directing Plaintiff into said Case Front-end loader, type 821F, Serial number NCF219250

13. Pleading further, Plaintiff would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of negligence attributable to in one or more of the following respects, or by a combination thereof:

A. Failing to use due care in the manufacture of the Case Front-end loader, type 821F, Serial number NCF219250

B. Failing to use due care in the design of the Case Front-end loader, type 821F, Serial number NCF219250

14. Pleading further, Plaintiff would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of in one or more of the following respects, or by a combination thereof:

All of which knew, or in the exercise of ordinary care, should have known.

15. In addition, expressly and impliedly warranted to the public generally, that the Case Front-end loader, type 821F, Serial number NCF219250 was of merchantable quality and was safe and fit for the purpose intended when used under ordinary conditions and in an ordinary manner. Plaintiff relied upon these express and implied warranties and suffered the injuries and damages set forth below as a proximate result of the breach of these warranties.

16. Defendant's aforementioned conduct constitutes a careless, negligent, and reckless disregard of a duty of care for others.

EXEMPLARY DAMAGES

17. 's acts or omissions described above, when viewed from the standpoint of at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

18. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from .

DAMAGES FOR

19. As a direct and proximate result of the occurrence made the basis of this lawsuit, was caused to suffer grievous injuries sustained by above plaintiff, including abdominal injury, fractured hip, and has incurred the following damages:

A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in El Paso County, Texas;

B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;

- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of Consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
- H. Loss of Consortium in the future including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
- I. Loss of Household Services in the past;
- J. Loss of Household Services in the future;
- K. Disfigurement in the past;
- L. Disfigurement in the future;
- M. Mental anguish in the past;
- N. Mental anguish in the future;
- O. Fear of future disease or condition; and
- P. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, IVAN GARCIA, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate

allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

By: /s/ Orlando Mondragon
ORLANDO MONDRAGON
Texas Bar No. 24013183
Email: mondragonom@att.net
1028 E. Rio Grande Ave.
EL PASO, TX 79902
Tel. (915) 566-8181
Fax. (915) 566-9696
Attorney for Plaintiff
IVAN GARCIA

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY